IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.Misc.No.25104-M of 2007
Date of Decision:- 26.04.2007

Sarita & anr. ....Petitioner(s)

through
Mr.S.S. Majithia, Advocate

vs.

State of Punjab & anr. ....Respondent(s)

through
Mr.Rajesh Bhardwaj, DAG, Punjab.

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CORAM:-HON'BLE MR.JUSTICE SURYA KANT.

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1) Whether Reporters of the local papers may be allowed to see the judgment?
2) To be referred to the Reporters or not?
3) Whether the judgment should be reported in the Digest?

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SURYA KANT, J.

Notice of motion to respondent No.1 at this stage.

Mr.Rajesh Bhardwaj, learned DAG, Punjab accepts notice.

The prayer in this petition is for quashing of complaint dated 9.8.2003 filed by respondent No.3 as well as the summoning order dated 5.11.2004 passed therein.

Various contentions have been raised by learned counsel for the petitioner in support of the aforementioned prayer. However, having regard to the fact that most of the contentions are based upon disputed questions of fact which cannot be gone into in these proceedings. I am inclined to decline the prayer.

Ordered accordingly.

Faced with the situation, learned counsel for the petitioners submits that petitioner No.1, is a young divorcee, whereas petitioner No.2 is

her sister-in-law and that both of them are required to appear before the learned trial Court on each and every date of hearing which is causing immense hardship to them

Having regard to the aforesaid contention, it is directed that the petitioners, if so advised, may move an application to grant them exemption from personal appearance and if any such application is moved by them, the learned trial Court is directed to grant them exemption from personal appearance, however, subject to the following conditions that:- (i) they shall be represented through counsel; (ii) shall not delay/stall the trial proceedings; (iii) shall not dispute their identity as accused; (iv) shall have no objection if the prosecution evidence is recorded in their absence but in the presence of their counsel; and (v) any other condition which the learned trial Court may impose.

April 26, 2007 **(SURYA KANT)**
poonam **JUDGE**